

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KAIFI LLC,

Plaintiff,

v.

T-MOBILE US, INC. and
T-MOBILE USA, INC.,

Defendants.

Case No. 2:20-CV-00281-JRG

Hon. Rodney Gilstrap

**T-MOBILE US, INC. AND T-MOBILE USA, INC.’S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF IN SUPPORT OF ITS MOTION TO COMPEL KAIFI TO
PRODUCE DOCUMENTS FROM ITS PARENT ENTITIES**

T-Mobile US, Inc. and T-Mobile USA, Inc. (“T-Mobile”) seek leave to file a focused, two-page supplemental brief presenting additional evidence in support of its Motion to Compel KAIFI to Produce Documents from its Parent Entities (Dkt. 140). Good cause exists to supplement the record since essential information regarding the nature of specific documents that are being withheld by one of KAIFI’s parent entities, Intellectual Discovery, was not available to T-Mobile until after T-Mobile had already submitted its motion.

The newly discovered information is highly relevant to T-Mobile’s motion to compel and critically relevant to the case. KAIFI is engaged in a parallel litigation with Verizon on the same patent as this case. *See KAIFI, LLC v. Verizon Communications Inc., et al.*, No. 2:20-cv-280-JRG (E.D. Tex.). Verizon requested information from Samsung regarding whether Samsung ever received licensing offers on the patent. Although T-Mobile had also previously sought the same information from Samsung, Samsung finally replied to Verizon by letter on August 9, 2021,

indicating that it had received multiple proposals from Intellectual Discovery related to the asserted patent *See id.*, Dkt. 74, Ex. 1. However, Intellectual Discovery refused to allow Samsung to disclose any further information regarding these proposals. *Id.*

T-Mobile seeks to supplement the briefing on its motion to compel so that the Court can consider this highly relevant information. The letter from Samsung demonstrates beyond dispute that Intellectual Discovery possesses—but is deliberately blocking the production of—critically relevant information regarding the value of the asserted patent in this case. The letter from Samsung also demonstrates that KAIFI and Intellectual Discovery should not be given unchecked discretion to pick and choose which documents to produce.

T-Mobile moved promptly upon learning of this new information that was unavailable when T-Mobile filed its motion to compel. Verizon filed its motion attaching the Samsung letter on Friday, August 13, 2021, and T-Mobile sought KAIFI's position on the present motion for leave less than two business days later. When KAIFI finally responded to T-Mobile's multiple follow up attempts on Friday, August 20, 2021, T-Mobile filed the present motion the same day.

Therefore, T-Mobile respectfully requests the Court to grant it leave to file a supplemental brief in support of its Motion to Compel.

DATE: August 20, 2021

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Josh A. Krevitt

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A), on August 20, 2021.

/s/ Josh A. Krevitt

Josh A. Krevitt

CERTIFICATE OF CONFERENCE

On August 20, 2021, counsel for T-Mobile contacted counsel for KAIFI regarding this motion. Counsel for KAIFI stated that it opposes this motion.

/s/ Robert Vincent